

UNITED STATE BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**FEE APPLICATION COVER SHEET FOR THE**  
**PERIOD AUGUST 3, 2022 THROUGH OCTOBER 31, 2022**

Debtor:	<u>Assuncao Bros., Inc.</u>	Applicant:	<u>Fox Rothschild LLP</u>
Case No.:	<u>22-16159</u>	Client:	<u>Assuncao Bros., Inc.</u>
Chapter:	<u>11 – Subchapter V</u>	Case Filed:	<u>August 3, 2022</u>

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**SECTION 1**  
**FEE SUMMARY**

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Summary of Amounts Requested for the Period August 4, 2022 through October 31, 2022  
(the “**First Interim Period**”).

Total Fees	<b>\$214,957.50</b>
Total Disbursements	<b>+ \$7,475.93</b>
Total Fees Plus Disbursements	<b>\$222,433.43</b>
Minus 20% Holdback of Fees	<b><u>n/a</u></b>
Amount Sought at this Time	<b>\$222,433.43</b>

	<u>FEES</u>	<u>EXPENSES</u>
Total Previous Fee Requested:	<u>N/A</u>	<u>N/A</u>
Total Fees Allowed to Date:	<u>N/A</u>	<u>N/A</u>
Total Retainer (If Applicable):	<u>\$67,690.00</u>	<u>N/A</u>
Total Holdback (If Applicable):	<u>N/A</u>	<u>N/A</u>
Total Received by Applicant:	<u>N/A</u>	<u>N/A</u>

<b>NAME OF PROFESSIONAL &amp; TITLE</b>	<b>YEAR ADMITTED (Or Years of Professional Service)</b>	<b>HOURS</b>	<b>RATE</b>	<b>FEE</b>
Joseph J. DiPasquale, Partner	1994	92.6	\$910.00	\$84,266.00
Mark E. Hall, Partner	1999	0.2	\$725.00	\$145.00
Michael R. Herz, Partner	2008	144.2	\$570.00	\$82,194.00
Joseph A. Caneco, Associate	2016	60.8	\$480.00	\$27,024.00
Stephanie J. Slater, Associate	2021	0.3	\$405.00	\$121.50
Danielle Gunning, Paralegal	n/a	1.4	\$300.00	\$420.00
Robin I. Solomon, Paralegal	n/a - 38 years	5.4	\$435.00	\$2,349.00
Marcia L. Steen, Paralegal	n/a – 33 years	35.7	\$400.00	\$14,280.00
Cathi Brown, Staff	n/a	19.8	\$210.00	\$4,158.00
<b>TOTALS</b>		<b>360.40</b>		<b>\$214,957.50</b>

The blended hourly rate of for professional services during the Fee Period is \$596.44.

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**SECTION II**  
**SUMMARY OF SERVICES**

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<b>Task</b>	<b>Description</b>	<b>Hours</b>	<b>Total</b>
A	ASSET ANALYSIS & RECOVERY	4.3	\$2,073.00
AA	ASSUMPTION/REJECTION OF LEASES AND CONTRACTS	30.8	\$18,472.00
B	ASSET DISPOSITION	71.7	\$43,062.00
C	BUSINESS OPERATIONS	25.8	\$14,949.00
CA	COURT APPEARANCE	6.7	\$5,153.00
D	CASE ADMINISTRATION	83.5	\$42,878.50
E	CLAIMS ADMINISTRATION AND OBJECTIONS	8.5	\$6,273.00
G	FEE/EMPLOYMENT APPLICATIONS	44.3	\$24,729.50
GG	REPORTING	9.9	\$6,935.00
H	FEE/EMPLOYMENT OBJECTIONS	1.6	\$1,304.50
I	FINANCING/CASH COLLATERAL	14.4	\$8,350.00
J	LITIGATION (OTHER THAN AVOIDANCE ACTION LITIGATION)	25.4	\$18,269.00
L	MEETINGS AND COMMUNICATION WITH CREDITORS	1.2	\$639.00
M	PLAN AND DISCLOSURE STATEMENT	27.9	\$18,443.00
N	RELIEF FROM STAY PROCEEDINGS	1.7	\$1,072.00
P	TRAVEL	2.0	\$1,820.00
W	TAX ISSUES	0.7	\$535.00
	<b>SERVICE TOTALS</b>	<b>360.40</b>	<b>\$214,957.50</b>

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**SECTION III  
SUMMARY OF DISBURSEMENTS**

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Description	Amount
DEPOSITION/TRANSCRIPT	\$2,799.35
MESSENGER SERVICE/FEDERAL EXPRESS	\$609.56
OFFICIAL COURT FEES	\$220.00
PARKING - OUT-OF-TOWN TRAVEL EXPENSE	\$12.00
PHOTOCOPYING	\$2,306.00
POSTAGE CHARGES	\$1,233.45
SECRETARIAL OVERTIME	\$38.03
TELEPHONIC COURT HEARING	\$200.00
WESTLAW, RESEARCH	\$57.54
<b>DISBURSEMENTS TOTAL</b>	<b>\$7,475.93</b>

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**SECTION IV  
CASE HISTORY**

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- (1) Date case filed: August 3, 2022 (the “Petition Date”)
- (2) Chapter under which case commenced: Chapter 11 – Subchapter V
- (3) Date of Retention: October 12, 2022 *nunc pro tunc* to the Petition Date [Docket No. 137]<sup>1</sup>

If limit on number of hours or other limitations to retention, set forth: n/a

- (4) Summarize in brief the benefits to the estate and attach supplements as needed:<sup>2</sup>

During the First Interim Period, Fox Rothschild assisted the Debtor in filing its chapter 11 voluntary petition for relief. After the filing of its chapter 11 petition, Fox Rothschild worked with the Debtor to ensure a seamless transition into chapter 11, achieve the Debtor’s goals, while also meeting all required dates and deadlines that

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<sup>1</sup> The Retention Order is submitted hereto as **Exhibit A**.

<sup>2</sup> The Invoice submitted herewith as **Exhibit B** to the Application includes detailed time entries summarizing the professional services rendered by Fox Rothschild LLP as counsel to the Debtor.

accompany this chapter 11 process. These services as more fully set forth on **Exhibit B** and in the attached application include, but are not limited to the following:

- Prepared and filed the Debtor's voluntary petition for relief and accompanying First Day Motions. After filing the various First Day Motions, Fox Rothschild prepared for and attended the First Day Hearing where various of the First Day Motions were approved on an interim and/or final basis.
- Prepared and filed the Debtor's Schedules of Assets and Liabilities, Statement of Financial Affairs, and monthly operating reports.
- Prepared for and attended the Section 341 Meeting of Creditors.
- Prepared for and produced documents for the Initial Debtor Interview.
- Prepared for and attended the deposition of Jacen Dinoff.
- Responded to various requests for documents and discovery.
- Communicated with multiple parties in interest related to tax and insurance issues.
- Prepared and filed a Motion to Extend Time to file Plan.
- Reviewed and analyzed filed Proofs of Claims to determine accuracy, validity, and potential impact on a chapter 11 plan.
- Working with KCP Advisory Group, LLC regarding the Debtor's business operations, sale of certain of the Debtor's assets and other issues related to the Debtor's case.
- Prepared and filed a Motion to Sell Certain of the Debtor's Assets and a settlement with Debtor's first lien holder.
- Began preparation of plan.
- Addressed all other matters related to the Debtor and its status as debtor-in-possession.

(5) Anticipated Distribution to Creditors:

Administration Expenses:

Unknown at this time.

Secured Creditors:

Unknown at this time.

Priority Creditors:

Unknown at this time.

General Unsecured Creditors:

Unknown at this time.

- (6) Final Disposition of Case and Percentage of Dividend Paid to Creditors (if applicable):  
Final disposition of case and dividend are unknown at this time.

I certify under penalty of perjury that the above is true.

Date: December 2, 2022

/s/ Joseph J. DiPasquale  
JOSEPH J. DIPASQUALE

# EXHIBIT A



Order Filed on October 12, 2022  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

FOX ROTHSCHILD LLP  
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Morristown, NJ 07960  
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Proposed Counsel to the Debtor  
And Debtor in Possession

In re:

ASSUNCAO BROS., INC.,  
  
Debtor.

Chapter 11 (Subchapter V)

Case No. 22-16159-CMG

Judge: Hon. Christine M. Gravelle

Recommended Local Form:

☐ Followed

☒ Modified

**ORDER APPROVING RETENTION OF FOX ROTHSCHILD LLP  
AS COUNSEL TO THE DEBTOR EFFECTIVE AUGUST 3, 2022**

The relief set forth on the following page, numbered two (2), is hereby **ORDERED**.

**DATED: October 12, 2022**

A handwritten signature in black ink, appearing to read "Christine M. Gravelle".

Honorable Christine M. Gravelle  
United States Bankruptcy Judge



(Page 2)

Debtor: ASSUNCAO BROS., INC.

Case No: 22-16159-CMG

Caption of Order: ORDER APPROVING RETENTION OF FOX ROTHSCHILD LLP AS COUNSEL TO THE DEBTOR

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Upon the applicant's request for authorization to retain Fox Rothschild LLP as counsel to Assuncao Bros., Inc. (the "Debtor") effective as of the Petition Date, it is hereby **ORDERED**.

1. The Debtor is authorized to retain Fox Rothschild LLP as its counsel.

The professional's address is: Fox Rothschild LLP ("Fox"), 49 Market Street, Morristown, NJ 07960.

2. Compensation will be paid in such amounts as may be allowed by the Court on proper application(s).

3. If the professional requested a waiver as noted below, it is ☐ Granted ☐ Denied.

☐ Waiver, under D.N.J. LBR 2014-2(b), of the requirements of D.N.J. LBR 2016-1.

☐ Waiver, under D.N.J. LBR 2014-3, of the requirements of D.N.J. LBR 2016-1 in a chapter 13 case. Payment to the professional may only be made after satisfactory completion of services.

4. The effective date of retention is August 3, 2022.